

w/p

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

FILED
DATE: <u>6-3-11</u>
<u>4:44</u> o'clock <u>P</u> .M.
Sandra K Markham, Clerk
BY: Rhonda HAGEN Deputy

DIVISION PRO TEM B

SANDRA K MARKHAM, CLERK

HON. WARREN R. DARROW

BY: R. Hagen, Deputy Clerk

CASE NO. V1300CR201080049

DATE: June 3, 2011

TITLE:
STATE OF ARIZONA,

COUNSEL:
Yavapai County Attorney
By Sheila Polk
Bill Hughes
(Via OnBase)
(For Plaintiff)

(Plaintiff)

v.

JAMES ARTHUR RAY,

Thomas K. Kelly
(Via Electronic Mail)
(For Defendant)
and
Luis Li/Brad Brian/Truc Do/Miriam Seifter
MUNGER TOLLES & OLSON LLP
(Via Electronic Mail)
(For Defendant *Pro Hac Vice*)

(Defendant)

HEARING ON:
JURY TRIAL – DAY 47

NATURE OF PROCEEDINGS

COURT REPORTER
Mina Hunt

START TIME: 9:02 a.m.

APPEARANCES:

Sheila Polk, Counsel for State
Bill Hughes, Co-Counsel for State
Detective Ross Diskin, Case Agent
James Arthur Ray, Defendant
Tom Kelly, Counsel for Defendant
Luis Li, *Pro Hac Vice* Counsel for Defendant
Truc Do, *Pro Hac Vice* Counsel for Defendant
Miriam Seifter, *Pro Hac Vice* Counsel for Defendant

The Jury is not present.

Counsel stipulate to the withdrawal of admitted Exhibit 257. **IT IS ORDERED** striking Exhibit 257 as a trial exhibit.

The Court and Counsel discuss scheduling issues, three missing client files, Defense providing transcripts to State and a proposed defense exhibit.

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At 9:24 a.m. the trial reconvenes with all previously appearing parties and the Jury present.

The Court addresses the Jury concerning scheduling.

Dawn Gordon, previously sworn, takes the witness stand and testifies.

The Court and Counsel conduct a sidebar discussion out of the presence of the Jury on the record.

The Jury and the witness are reminded of the respective admonishments and leave the courtroom for a recess.

The Court and Counsel discuss Defense objection during testimony of the current witness and playing audio of transcripts.

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At 10:02 a.m. the trial reconvenes with all previously appearing parties and the Jury present.

Dawn Gordon resumes the witness stand and testifies further.

The Jury and the witness are reminded of the respective admonishments and leave the courtroom for a recess.

The Court and Counsel discuss objection regarding testimony. Objection sustained.

~~~Recess~~~

At 11:20 a.m. the trial reconvenes with all previously appearing parties and the Jury present.

Dawn Gordon resumes the witness stand for further testimony.

Exhibits 181 and 182 are admitted into evidence pursuant to stipulation of Counsel.

The Jury and the witness are reminded of the respective admonishments and leave the courtroom for the noon recess.

~~~Noon Recess~~~

At 1:34 p.m. the trial reconvenes with all previously appearing parties and the Jury present.

Dawn Gordon resumes the witness stand and testifies further.

Exhibit 1080 is marked, offered and admitted into evidence without objection.

The Jury and the witness are reminded of the respective admonitions and leave the courtroom for a recess.

The Court and Counsel discuss an objection regarding examination of the current witness.

~~~Recess~~~

At 3:16 p.m. the trial reconvenes with all previously appearing parties and the Jury present.

Dawn Gordon resumes testifying.

The Court and Counsel conduct a sidebar discussion out of the presence of the Jury on the record. The witness is asked and answers appropriate questions submitted by the Jury. The witness is reminded of the Rule of Exclusion of Witnesses and is excused, subject to recall.

Sean Joseph Ronan is sworn and testifies.

Exhibit 441 is offered and admitted into evidence without objection.

The witness is reminded of the Rule of Exclusion of Witnesses and excused, subject to recall.

Exhibits 1018, 1019 and 1020 are offered by the State.

The Court and Counsel conduct a sidebar discussion out of the presence of the Jury on the record.

Exhibits 1018, 1019 and 1020 are not admitted at this time. The Court advises the Jury that exhibits will be coming that show James Ray International events attended by James Shore, Lizbeth Neuman and Kirby Brown and the amounts paid to attend.

At 4:35 p.m. the State rests.

The Jury is admonished and instructed to return on Tuesday at 1:30 p.m. for continued trial. The Jury leaves the courtroom.

Counsel for Defendant makes Rule 20 Motion. The Court confirms that oral argument on Defense's Rule 20 Motion will commence at 10:00 a.m. on Tuesday.

Discussion ensues regarding witness scheduling. Counsel for State moves the Court for Defense to advise the State of Defense's order of witnesses. Discussion ensues.

The Court and Counsel conduct a sidebar discussion on the record.

Counsel for State addresses the Court regarding the Court's order for parties to submit a list of portions of audio exhibits played during trial. Discussion ensues. Defense avows that it will prepare such a list by Tuesday afternoon.

Counsel for Defendant moves for permission to redact Exhibit 1017, a CD. **IT IS ORDERED** granting the request. A limiting instruction will be given.

The Court stands adjourned for the day.

**END TIME: 4:44 p.m.**

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)  
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)  
Stone & Magnanini, Co-Counsel Brown Family (e)  
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)  
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)  
Perkins, Coie, Brown & Bain, Counsel KTVK-TV (e)  
Division PTB (e)  
Victim Services (e)  
Court Administration  
Customer Service Supervisor, Camp Verde Superior Court Building  
Exhibit Clerk